

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C) .No. 15888 of 2007 (N)

PETITIONER:

1. VASUDEVAN NAIR,
TAYYIL VEEDU, KUNNATHOOR, KOLLAM.
2. VIJAYA DEVI,
W/O.VASUDEVAN NAIR,
THAYYIL VEEDU, KUNNATHOOR, KOLLAM.

BY ADV. SMT.SADHANA KUMARI.E.

RESPONDENT:

THE GEOLOGIST,
MINING AND GEOLOGY, DISTRICT KOLLAM.

BY G.P.SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.15888 of 2007

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Dated this the 25th day of May, 2007

J U D G M E N T

The petitioner is the owner of 1.85 acres and 32½ cents of land which, according to the petitioner, contains clay and sand. Petitioner's property is surrounded by properties from which sand and clay have been mined by the owners of those properties, as a result of which, petitioner's property is in a precarious condition and unless the petitioner also removes clay and sand, the petitioner's property is under threat of deterioration. In the above circumstances, the petitioner also submitted Ext.P2 application before the respondent for permit under the Kerala Minor Mineral Concession Rules for mining sand and clay. The petitioner seeks a direction to the respondent to consider and pass appropriate orders on Ext.P2.

2. I have heard the learned counsel for the

petitioner as also the learned Government Pleader.

3. In the facts and circumstances of the case, I direct the respondent to consider Ext.P2 and pass appropriate orders thereon, within a period of two months from the date of receipt of a copy of this judgment. However, I make it clear that I have not considered the matter on merits and it would be open to the respondent to consider the claims of the petitioner independently.

Writ petition is disposed of as above.

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Sd/-
S.SIRI JAGAN, JUDGE

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P.A. to Judge.